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Foodland Preservation

A proposed policy statement of the Government of Ontario issued for public review

Jack Riddell Minister of

Agriculture & Food

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Bernard Grandmaître Minister of Municipal Affairs

IMPORTANT

This proposed statement has not yet been finally approved by the Provincial Cabinet.

It is being circulated for public review and comment, as required by the Planning Act. All comments received will be considered by Cabinet enabling revisions to be made to the policy before it is finally approved.

Comments on the proposed policy should be addressed to:

Foodland Preservation Branch Ministry of Agriculture & Food 8th Floor, 801 Bay Street Toronto, Ontario M7A 2B2

by April 30, 1986.



THE PLANNING ACT 1983 - SECTION 3

- 3. —(1) The Minister, or the Minister together with any other minister of the Crown, may from time to time issue policy statements that have been approved by the Lieutenant Governor in Council on matters relating to municipal planning that in the opinion of the Minister are of provincial interest.
- (2) Before issuing a policy statement, the Minister shall confer with such municipal, provincial, federal or other officials and bodies or persons as the Minister considers have an interest in the proposed statement.
- (3) Where a policy statement is issued under subsection (1), the Minister shall cause it to be published in *The Ontario Gazette* and he shall give or cause to be given such further notice thereof, in such manner as he considers appropriate, to all members of the Assembly, to all municipalities and to such other agencies, organizations or persons as he considers have an interest in the statement.
- (4) Each municipality that receives notice of a policy statement under subsection (3) shall in turn give notice of the statement to each local board of the municipality that it considers has an interest in the statement.
- (5) In exercising any authority that affects any planning matter, the council of every municipality, every local board, every minister of the Crown and every ministry, board, commission or agency of the government, including the Municipal Board and Ontario Hydro, shall have regard to policy statements issued under subsection (1). 1983, c. 1, s. 3.

FOODLAND PRESERVATION POLICY STATEMENT

PURPOSE

This document is prepared under the authority of Section 3 of The Planning Act, and is the Province of Ontario's policy statement on the protection of Ontario's agricultural land base.

INTERPRETATION

This Provincial policy statement:

- is issued jointly by the Minister of Agriculture and Food and the Minister of Municipal Affairs under The Planning Act,
- does not supercede or take priority over other policy statements issued under this Act or any other policy approved by the Lieutenant Governor in Council for any specific area of the Province,
- replaces the Food Land Guidelines which were approved by Cabinet in 1978.

Except in circumstances where the Provincial government decides that an important agricultural resource is involved, this policy statement would not be applied to prime agricultural land that has been specifically designated for urban use in previously approved official plans.

BACKGROUND

In A Strategy for Ontario Farmland released in April, 1976, the Province of Ontario declared its commitment to maintain a permanent, secure and economically viable agricultural industry in Ontario.

In 1978, the Province released the *Food Land Guidelines* as a Provincial policy on the preservation of agricultural land.

This policy statement replaces the *Food Land Guidelines* (1978) and is intended to preserve prime agricultural land and minimize conflicting land uses within agricultural areas.

PRINCIPLES

To help ensure a healthy and productive agricultural industry in the future, the Province is committed to preserve a land area which will be available for agriculture on a long-term basis, and within which agricultural activity can occur with a minimum of disruption from competing or incompatible land uses.

Within this land area, the Province intends to promote the continuation of the agricultural community and the infrastructure necessary for continued agricultural production.

The Province is committed to retaining options to meet future requirements for foodlands and food. Some land with the capability to grow crops may not be in production because the demand for additional crops does not exist at present. Land use planning must ensure that as much prime agricultural land as possible is kept available for farming in order to ensure the long-term security which is essential for meeting future food production needs.

There will continue to be demands on rural land for housing, industry, recreation, transportation and other such uses. Some of this demand may have to be accommodated on prime agricultural land, and for this reason, the policy statement establishes criteria by which the need for locating other uses on prime agricultural land can be fully evaluated.

DEFINITIONS

For the purposes of this policy statement, the following definitions will apply:

Specialty Crop Land means:

Land which has capability to produce such specialty crops as tender fruits (peaches, grapes, cherries, plums), other fruit crops, tobacco, potato and vegetable crops, greenhouse crops and crops from developed organic soil areas.

Land capability for production of specialty crops may result from:

- 1. Land which has special soils, or is subject to special climatic conditions, or a combination of both,
- 2. A combination of farmers skilled in the production of specialty crops, and of capital investment in related facilities and services to produce, store or process specialty crops.

Prime Agricultural Land means:

- 1. Specialty crop land;
- 2. Land where soil Classes 1, 2, 3, and 4 predominate as defined in the Canada Land Inventory of Soil Capability for Agriculture;
- 3. Land which exhibits characteristics of ongoing agriculture; or
- 4. Land where local market conditions permit agricultural viability where it might not exist otherwise.

Marginal Land means:

Land where Classes 5, 6 and 7 predominate, as defined by the Canada Land Inventory, with the exception of any specialty crop land.

Urban means:

Cities, towns, villages and hamlets.

Minimum Separation Distance means:

The appropriate separation distance between livestock operations and other land uses as determined from the Minimum Separation Distance Tables contained in Appendix 1 of this policy statement.

1. POLICIES FOR PRIME AGRICULTURAL LAND

1.1 Designating Prime Agricultural Land

It is Provincial policy that:

- 1.1.1 Prime agricultural land as defined be placed in an agricultural designation and be clearly identified in the official plan and on the land use schedule.
- 1.1.2 The agricultural designation be as large as practical and consist of predominantly prime agricultural land.
- 1.1.3 The agricultural designation be continuous and uninterrupted by non-agricultural designations which permit land uses incompatible with agriculture.

1.2 Land Uses Within Designations for Prime Agricultural Land

Within designations for prime agricultural land, it is Provincial policy that:

- 1.2.1 The land is to be available for agricultural use on a long-term basis, and the official plan state clearly that this is the major objective of the designation.
- 1.2.2 The land uses permitted include only agriculture, and land uses compatible with agriculture.

Compatible land uses are:

- 1.2.2.1 Land uses directly related to agriculture and necessary in close proximity to farm operations, and
- 1.2.2.2 Land uses unrelated to agriculture that can function adjacent to agriculture without conflict, leave the land in large parcels suitable for farming, not require building or other construction on the land, not alter adversely topography or soils and not create pressure for other non-agricultural use,
- 1.2.2.3 Woodlots and wildlife management areas which may be associated with agriculture or may be carried on in parallel with agriculture.
- 1.2.3 The following land uses are incompatible with agriculture and are not permitted in agricultural designations because of the potential for conflict between farm and non-farm land uses, or because they compete with agriculture for use of land:
 - 1.2.3.1 Subject to Section 1.3.4, rural residential uses whether by consent, estate residential subdivision, or other means,

- 1.2.3.2 Conventional residential development, or other residential development such as mobile home parks,
- 1.2.3.3 Institutional or public uses such as schools, churches and cemeteries unless they are small in scale and are intended to serve the needs of the local rural community,
- 1.2.3.4 Industrial or commercial uses that are unrelated to agricultural activities,
- 1.2.3.5 Recreational uses such as trailer parks or golf courses.
- 1.2.4 The land uses described in subsections 1.2.3.2, 1.2.3.3, 1.2.3.4 and 1.2.3.5 above, may be considered on prime agricultural land only where the need can be justified in accordance with Section 3 of this policy statement, and the use is within a designation separate from the designation for prime agricultural land.

1.3 Consents Within Designations for Prime Agricultural Land

- 1.3.1 Within designations for prime agricultural land, it is Provincial policy that consents for land severances under the Planning Act may be considered for the following purposes:
 - 1.3.1.1 A consent for a technical or legal reason that does not create a separate lot; these reasons include minor boundary adjustments (where one landowner is deeding part of his property to the adjacent landowner), easements, rights of way, or other purposes that do not create a separate lot.
 - 1.3.1.2 The parcel to be severed and the parcel to be retained are both for an agricultural use and both meet the following criteria:
 - 1. Land parcels are sufficiently large to maintain flexibility for future changes in size or type of farm operation;
 - 2. Land parcels are an appropriate size for the types of agricultural activity in the area;
 - 3. Land parcels are proposed for a type of agricultural use(s) suitable to the area;
 - 4. Land parcels are viable agricultural units at the time of creation.
- 1.3.2 In order to prevent fragmentation of the agricultural land base, and to avoid conflicts with normal farm activity, it is Provincial policy to restrict the creation of residential lots, including farm related residential lots, within designations for prime agricultural land. Non-farmers purchase such lots and may create problems for surrounding farm operations.
- 1.3.3 It is Provincial policy that official plan policies should allow for alternatives to residential lot severances in order to provide for farm housing needs. These alternatives would include a second residence on the farm, life leases, retirement in nearby villages and hamlets, etc.
- 1.3.4 Some municipalities, however, may choose to allow farm-related residential lots, but such lots may be permitted only for the following purpose:

- 1.3.4.1 To dispose of a farmhouse rendered surplus by farm consolidation, provided that;
 - 1.3.4.1.1 The Minimum Separation Distance is met between the proposed lot and any livestock operations, including the farm from which the lot is being severed.
 - 1.3.4.1.2 The lot size is kept to a minimum.
- 1.3.5 It is Provincial policy that parcels of prime agricultural land that may not presently be viable farm units on their own not be further fragmented because they may be rented or sold to neighbouring farmers, thus increasing the available land base in the area.

1.4 Separation Distances Between Incompatible Land Uses

It is Provincial policy that the Minimum Separation Distance be used to ensure adequate separation between livestock operations and other land uses. This is to protect livestock operations from complaints of odour associated with farm practices and to allow a reasonable opportunity for expansion.*

2. POLICIES FOR MARGINAL LAND

2.1 Designating Marginal Land

It is Provincial policy to encourage the placement of marginal land in a designation or designations separate from prime agricultural land. In addition to large blocks of land which are predominantly marginal for agriculture, such a designation may also include some areas which have a high level of land fragmentation or a strong intermix of existing uses such that continued agricultural activity is not practical within the area.

2.2 Land Uses in Designations Comprised of Marginal Land

Where municipalities wish to accommodate non-agricultural development outside of existing urban areas, it is Provincial policy that such uses locate on marginal land, rather than on prime agricultural land.

Agriculturally related industrial and commercial uses which do not need to be in close proximity to farm operations could locate within this designation, as could recreational uses such as golf courses.

Such land uses should, however, be directed away from prime agricultural land within or adjacent to the designation, and agriculture should be a permitted use within the designation.

2.3 Separation of Land Uses

It is Provincial policy that land uses proposed on marginal land that are incompatible with agricultural activity:

• be well removed from agricultural activity either by substantial distance separation or by natural or man-made features which create a sufficient buffer to avoid potential conflicts,

^{*}Refer to Appendix 1

- be in a designation separate from agricultural land,
- be subject to the Minimum Separation Distance as referred to in Section 1.4.

3. POLICIES FOR NON-AGRICULTURAL DEVELOPMENT ON PRIME AGRICULTURAL LAND

It is recognized that there will be pressures for non-agricultural development onto prime agricultural land. Such development pressure may take the form of urban expansion from an existing community or individual development proposals in the agricultural area. Where non-agricultural development onto prime agricultural land is considered, it is Provincial policy that all of the following policies be applied:

3.1 General Policies

- 3.1.1 Where prime agricultural land has been identified, the use of this land for productive agricultural purposes be given priority in evaluating alternative land uses. Specialty crop land be accorded highest priority, followed by Class 1, 2, 3 and 4 soils in descending order.
- 3.1.2 Non-agricultural development be directed to urban areas, or onto marginal land.
- 3.1.3 To prevent premature commitment of prime agricultural land, the time frame for committing land for future urban development be not more than 10 years.
- 3.1.4 When non-agricultural development is proposed for prime agricultural land, such development only be permitted if the need to use this land is justified and such justification is documented.

3.2 Policies for Justification

- 3.2.1 It is provincial policy that official plans and amendments and applications for individual developments proposed for prime agricultural land include justification to satisfy all of the following factors in sequence:
 - the necessity for the land use in the municipality or the planning area;
 - the amount of land needed for the proposed use or uses;
 - the reasons for the choice of location.

The extent of the documentation will vary according to the type and nature of each proposal but will include those of the following criteria that are relevant:

3.2.1.1 Necessity for the land use

Criteria

- projected population for the municipality or planning area
- demand for industrial, commercial or residential lands within the municipality or planning area

- amount of growth allocated by broader studies such as county, regional or provincial studies
- need based on public health, or safety reasons

3.2.1.2 Land area needed

Criteria

- amount of existing vacant land already designated for this purpose
- potential for infilling existing areas
- land area calculated on the basis of population increase to be accommodated at reasonable density for the municipality or planning area under consideration
- projection from previous rates of land consumption, where such a projection is justified
- new information which may demonstrate the need for a land consumption rate higher than past trends
- efficiency of servicing

3.2.1.3 Reasons for the choice of location

Criteria

- consideration given to using marginal land and if it exists reasons why it is unsuitable
- consideration given to prime agricultural land having comparatively lesser capability with specialty crop land having the highest priority for protection followed by Class 1 to 4 soils in descending order
- when alternative choices involve prime agricultural lands of the same capability, consideration given to other priority rating factors such as; the viability of existing farms, the continuity of the land base, the extent of capital investment in farm buildings, drainage systems, irrigation systems, fertility improvements, etc.
- consideration given to prime agricultural land with a decreased value for agricultural purposes as compared to other lands of the same capability. Factors which may indicate a decreased value for agriculture are the scattering of rural residential lots, or small scale industrial or commercial uses, or recreational uses among farms within the area
- special use that has unique locational requirements
- logical extension of an existing community
- existence of appropriate buffers or boundaries from adjacent agricultural areas.

3.3. Agricultural Considerations for Urban Expansion

- 3.3.1 While recognizing that urban expansion will continue to occur, it is not desirable for all communities to expand onto prime agricultural land. Where urban growth trends indicate the continued absorption of prime agricultural land, it is Provincial policy that in addition to Sections 3.1 and 3.2, the following policies apply specifically to urban expansion onto prime agricultural land:
 - 3.3.1.1 Official plans indicate which municipalities or urban areas within their boundaries will be encouraged to expand,
 - 3.3.1.2 Consideration be given to increased urban densities, redevelopment or infilling of existing urban areas, or redirection of proposed development onto marginal land, as alternatives to expansion onto prime agricultural land,
 - 3.3.1.3 Hamlets located in areas of prime agricultural land primarily be defined as small centres servicing the rural community, within which substantial growth, in relation to the size of the hamlet, will not be encouraged,
 - 3.3.1.4 Development of existing vacant lands within urban areas occur before outward expansion onto prime agricultural land,
 - 3.3.1.5 Urban growth take place as a logical extension of existing development,
 - 3.3.1.6 The boundaries of the urban areas be defined for the life of the plan where they abut prime agricultural land, by using clearly identifiable natural or man-made features, where the location of such features forms a logical boundary to contain the area of urban expansion that is justified,
 - 3.3.1.7 Designations which allow strip development into agricultural areas be avoided.
- 3.3.2 It is recognized that there may be existing haphazard or scattered development on prime agricultural land adjacent to urban areas. Such areas may also exhibit ownership by non-farmers and inflated land prices. However, because sufficient area for urban expansion will have been provided within the urban designations, haphazard or scattered urban development should not be permitted. The policies of the agricultural designation should be applied and continued agricultural production should be encouraged.

4. POLICIES FOR MUNICIPAL BOUNDARY ADJUSTMENTS ON PRIME AGRICULTURAL LAND

4.1 It is the intent of the Provincial government that priority be given to the preservation of prime agricultural land when municipal annexations are being considered under the provisions of the Municipal Boundary Negotiations Act.

In this regard, the Ministry of Agriculture and Food will be consulted by the Municipal Boundaries Branch during fact-finding inquiries as set out in Section 4(1) of the Municipal Boundary Negotiations Act.

5. POLICIES FOR MINERAL AGGREGATE EXTRACTION ON PRIME AGRICULTURAL LAND

The following policies apply in conjunction with the *Policy Statement on Mineral Aggregate Resources*. Reference should also be made to that policy statement.

- 5.1 The Province of Ontario recognizes five important areas of specialty crop lands that also have aggregate potential. These are; an area around Harrow and an area around Leamington in Essex County, an area in the vicinity of King's Highway 3 south of Blenheim in Kent County, an area of the Niagara Region and the Meaford-Thornbury area in Grey County. Refer to Appendix 2, Figures 1-4.
- 5.2 It is Provincial policy that mineral aggregate extraction, including wayside pits and quarries, only be permitted on specialty crop land in the areas noted in 5.1 if documentation is provided to reasonably show that:
 - 5.2.1 The site can be rehabilitated for agriculture to allow production of the same hectarage of the same specialty crops at the same level of productivity, and
 - 5.2.2 There will be no deleterious effect on microclimate upon which the area may be dependent for specialty crop production.
- 5.3 On other specialty crop land, and Class 1 to 3 soils according to the Canada Land Inventory, mineral aggregate extraction, including wayside pits and quarries, may occur if rehabilitation of the site is carried out and substantially the same hectarage and soil capability for agriculture are restored.

6. POLICIES FOR CONSTRUCTING PUBLIC FACILITIES ON PRIME AGRICULTURAL LAND

- 6.1 It is the intent of the Provincial government that priority be given to the preservation of prime agricultural land when proposals to construct transportation, communication, sanitation and other such public facilities are being considered under the provisions of The Environmental Assessment Act, The Ontario Energy Board Act and other applicable legislation. It is Provincial policy that:
 - 6.1.1 Where public facilities are proposed for construction on prime agricultural land the need to use this land be justified as outlined in Section 3 of this policy statement.
 - 6.1.2 Where the need to use prime agricultural land for constructing a public facility is justified, siting and construction of the facility should be carried out in a manner which will minimize the impact of the facility on prime agricultural land and farming practices.

IMPLEMENTATION

In exercising any authority that affects any planning matter, the council of every municipality, every local board, every Minister of the Crown and every Ministry, board, commission or agency of the government, including the Municipal Board and Ontario

Hydro, shall have regard to policy statements issued under The Planning Act, as required by Section 3 of the Act.

The Ministry of Agriculture and Food, within the context of its mandate to preserve agricultural land at the provincial level will:

- provide comments to planning review and approval agencies on proposed planning actions that may have implications for the preservation of agricultural land using the policy statement as the basis for review,
- make representations or provide technical expertise to the Ontario Municipal Board or other Boards as warranted when the preservation of agricultural land is at issue,
- consult as appropriate with other Ministries, public agencies, local authorities and municipalities on matters pertaining to the preservation of agricultural land,
- prepare guidelines as appropriate to assist in implementing this policy statement.

The Ministry of Agriculture and Food and the Ministry of Municipal Affairs will jointly administer this policy statement, as well as advise and explain its content and application to municipalities and other planning agencies.

Existing approved official plans and zoning by-laws shall be considered with regard for this policy statement at such time as they come up for review.

APPENDIX 1-MINIMUM SEPARATION DISTANCE

PURPOSE

The Minimum Separation Distance is a planning tool to reduce conflicts between livestock farms and other uses by providing a set-back distance appropriate to the size and type of livestock operation and the characteristics of the neighbouring land use.

BACKGROUND

Livestock operations may at certain times of the year and under certain weather conditions produce odours to which neighbours may object. All livestock operations require proper siting, management, and protection from encroachment by non-compatible neighbouring uses.

CONCEPTS

The following method to obtain a Minimum Separation Distance was developed from the Minimum Distance Separation Formulas in the 1976 Agricultural Code of Practice. Revisions take into account experience with the use of the Formulas in numerous field situations. Tables provide a base distance and permit easy comparison of the minimum separation distance for different livestock and land use situations.

The system includes the following features:

- different livestock types equated in terms of a livestock factor related to odour intensity
- separate tables provided for a proposed land use change and for a proposed livestock facility change
- fully reciprocal tables; the same distance for a new livestock barn locating adjacent to an existing house, and for a new house locating adjacent to an existing livestock barn.
- three steps to obtain the appropriate separation distance.

Step 1 — Total Livestock Units

The Livestock unit equates different livestock types based on their relative odour intensity.

The "Livestock Inventory" is the worksheet which is used in Step 1. It lists the different types of common farm animals covered by the Minimum Distance Tables. The livestock unit is determined by the housing capacity of the barn, or the number of livestock the barn could accommodate according to its design, not the actual number of animals in the barn at the time of the evaluation. The total livestock units for all the animals on the property in question are used in Step 2 to enter the appropriate Table.

Step 2 — Distance

There are two tables for calculating the base distance. The one appropriate to the land use situation being evaluated is selected. Table 1, applies to the proposed location of a new non-farm use adjacent to an existing livestock barn. Table 2, applies to a change in a livestock barn in relation to an existing land use.

Step 3 — Minimum Distance

The minimum distance varies according to the type of land use adjacent to a livestock facility. Land use categories in the tables are generalized according to commonly accepted terminology. For land uses which are more likely to be found in the rural area and are consequently less sensitive to livestock operations, the base distance is also the minimum distance. Land uses which are sensitive to odours from livestock agriculture have a land use factor accorded them which is greater than the base distance.

In Table 2 guidance on distances is also given for the location of a livestock building on a farm property. Land use factors are given for the nearest lot line, the edge of the road allowance, and the nearest lot line on an existing vacant lot.

When the tables are incorporated into planning documents, municipalities may wish to tailor the headings to their own terminology or zone categories.

LIVESTOCK INVENTORY

STEP (1) TOTAL LIVESTOCK UNITS

Col. 1	Col. 2	Col. 3	Col. 4	Col. 5	Col. 6	Col. 7
TYPE OF LIVESTOCK	DESCRIPTION	LIVESTOCK UNITS Per Animal	EXISTING HOUSING CAPACITY Number of Animals	EXISTING LIVESTOCK UNITS Col. 3 x Col. 4	HOUSING CAPACITY AFTER CHANGE Number of Animals	LIVESTOCK UNITS AFTER CHANGE Col. 3 x Col. 6
BEEF	Feeders	0.90				
CATTLE	(400-1100 lb) Feeders	0.45				
	(400-750 lb)					
	Feeders (750-1100 lb)	0.90				
	Beef Cow	1.80				
	(Includes Calf)	2.002				
CHICKENS	Broilers	0.002				
	Roasters (4-5 lb)	0.003				
	Laying Hens	0.008				
	(Floor Housing) Laying Hens	0.015				
	(Caged)	0.015				
	Pullets	0.002				
DAIRY CATTLE	Dairy Cow*	1.0				
	(Includes Calf)	1.5				
	Milking Cow**	1.5				
DUCKS	Processing	0.002				
FOXES	Females***	0.17				
GOATS	Females***	0.70				
HORSES		0.50				
MINK	Females***	0.05				
RABBITS	Females***	0.04				
SHEEP	Ewes Including Lambs to Market	0.12				
	Feeder Lambs	0.08				
SWINE	Feeder Hogs**** (40-200 lb)	0.60				
	Sows Includes	0.85				
TURKEYS	Litter to Wean Heavy Toms	0.008				
TURKETS	(30 lb)					
	Heavy Hens (20 lb)	0.007				
	Broilers (12 lb)	0.01				
	Breeding Flocks	0.008				
VEAL	(70-300 lb)	0.35				
CALVES			L			
TOTAL LIVESTOCK UNITS						
					_	m 1 2

total dairy herd capacity total lactating cows

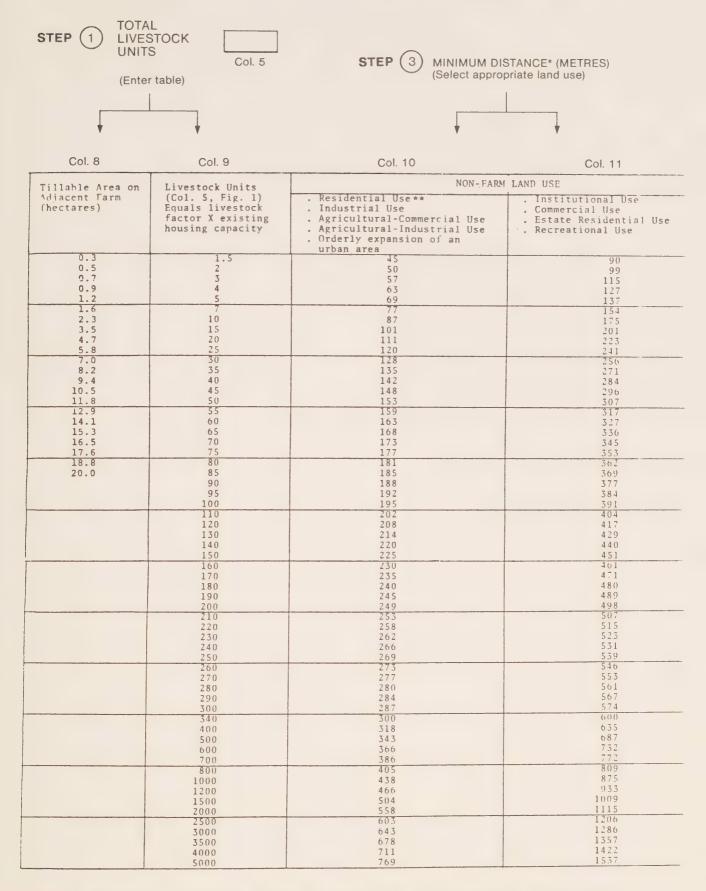
Use in Table 2 Use in Table 1

Use in Table 2

⁽includes dry cows, heifers, calves)

^{***} includes associated males and offspring **** for farrow to finish, total the livestock units for the sows and for the feeder hogs

TABLE 1 MINIMUM SEPARATION DISTANCE IN METRES BETWEEN A NEW NON-FARM USE AND A LIVESTOCK BARN

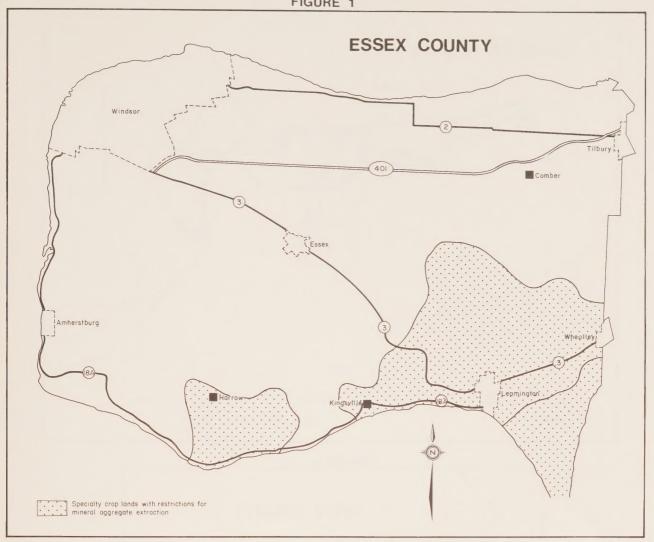


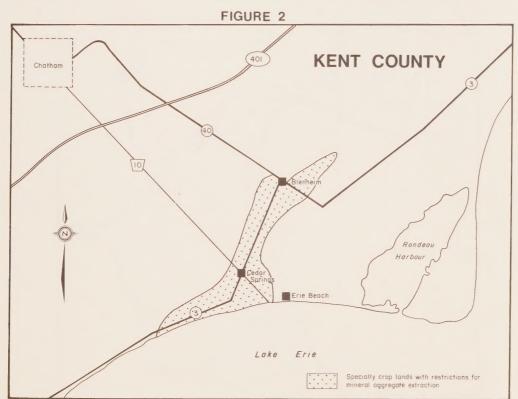
^{*} For a new lot, measure from the barn to the nearest boundary. For a new building on an existing lot, measure from the barn to the nearest wall.

^{**} Residential refers to single residences on adjacent lots

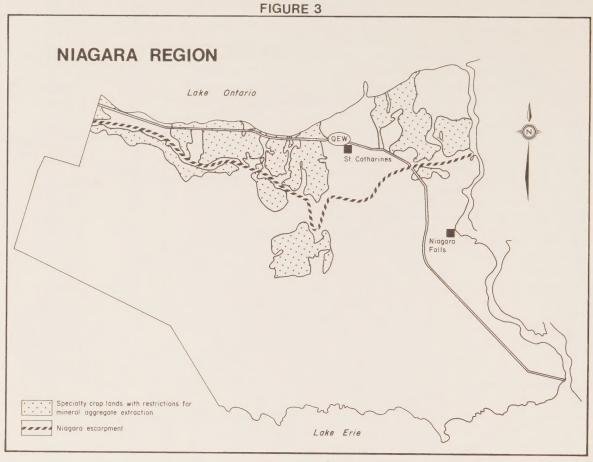
Foodland Preservation Policy Statement APPENDIX 2-MINERAL AGGREGATE EXTRACTION ON SPECIALTY CROP LANDS

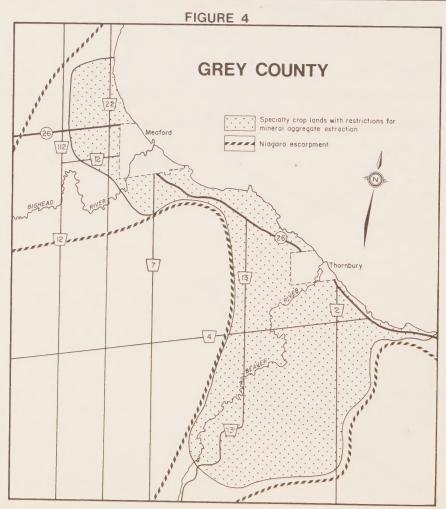
FIGURE 1





APPENDIX 2-MINERAL AGGREGATE EXTRACTION ON SPECIALTY CROP LANDS







For further information contact:

MINISTRY OF AGRICULTURE & FOOD:

Foodland Preservation Branch

801 Bay Street 8th Floor Toronto, Ontario M7A 2B2 416-965-9433



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